

05-260 JOEL SEREBOFF, ET UX. V. MID ATLANTIC MEDICAL SERVICES, INC.

DECISION BELOW: 407 F.3d 212 (4th Cir. 2005)

LOWER COURT CASE NUMBER: 04-1336, 04-1403, 04-1722

QUESTION PRESENTED

Can a plan fiduciary bring a civil action against a plan participant to obtain "appropriate equitable relief" under Section 502(a)(3) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1132(a)(3), where a term of the plan requires the participant to reimburse medical expenses advanced by the plan if the participant recovers money from a third-party tortfeasor and possesses such payments in an identifiable fund?

Cert. Granted 11/28/05